Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Petition to Amend Part 68 of the Commission's Rules to Include Terminal Equipment Connected to Basic Rate Access Service Provided via Integrated Services Digital Network Access Technology	)	RM-7815
and	)	
In the Matter of	)	
Petition to Amend Part 68 of the Commission's Rules to Include Terminal Equipment Connected to Public Switched Digital Service	)	RM-6147
and	)	
Correction of Part 68 Typographical Errors, Clarifications and a Proposal for Part 68 Registration Revocation Procedures	)	CC Docket No. 93-268

COMMENTS OF U S WEST COMMUNICATIONS, INC.

U S WEST Communications, Inc. ("U S WEST"), through counsel, hereby submits its Comments in the above-captioned docket. In its Notice of Proposed Rulemaking[1] the Federal Communications

[1] In the Matter of Petition to Amend Part 68 of the Commission's Rules to Include Terminal Equipment Connected to Basic Rate Access Service Provided via Integrated Services Digital Network Access Technology and In the Matter of Petition to Amend Part 68 of the Commission's Rules to Include Terminal Equipment Connected to Public Switched Digital Service and Correction of Part 68 Typographical Errors, Clarifications and a Proposal for Part 68 Registration Revocation Procedures, CC Docket No. 93-268, RM-7815, RM-6147, Notice of Proposed Rulemaking, FCC 93-484, rel. Nov. 22, 1993 ("Notice"); and Errata, and Order Extending Comment Period, DA 94-46, rel. Jan. 12, 1994.

Commission ("Commission") proposes to amend Part 68 of its Rules to include interconnection standards for Integrated Services Digital Network ("ISDN") and Public Switched Digital Service ("PSDS") and to initiate procedures for revocation of Part 68 registration.

I. PART 68 STANDARDS FOR ISDN AND PSDS

Most of the Notice focuses on interconnection standards for ISDN and PSDS. The Notice proposes extensive revisions to Part 68 to include these two services in the registration program through defining interface and service standards. To a large extent, the Notice reflects highly favorable reaction to Petitions for Rulemaking on these subjects filed by Southwestern Bell Telephone Company and the Ameritech Operating Companies.[2]

While recognizing and appreciating the hard and thoughtful work which has gone into this docket thus far, U S WEST does not believe that the proposed ISDN and PSDS Part 68 standards should be adopted. All of the proposed standards are justified on the basis of sound engineering practice. For the most part, U S WEST agrees with the engineering justifications put forth for the proposed rules. U S WEST simply does not agree that Part 68 of the Rules ought to become a repository of sound engineering practices. Part 68 was developed to deal with a limited problem;

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[2]Petition for Rulemaking of Southwestern Bell Telephone Company filed Aug. 23, 1991 (RM-7815) and Petition of the Ameritech Operating Companies for Rulemaking filed Oct. 26, 1987 (RM-6147).

American Telephone and Telegraph Company's ("AT&T") concern that attachment of customer-provided equipment to the telephone network could cause substantial harm to the network itself and to other users.[3] In U S WEST's experience, the absence of customer premises equipment ("CPE") registration standards for ISDN and PSDS has neither caused nor risked harm to U S WEST's network nor to its ISDN and PSDS services themselves.[4]

Moreover, there is no prohibition against a carrier permitting connection of unregistered equipment -- much of the equipment currently attached to the network on a routine basis is not Part 68 registered. Part 68 serves to provide carriers with a maximum standard beyond which a carrier may not go in setting interconnection standards and does not serve to displace normal carriers' judgment in most cases. The proposed action is simply unnecessary.

For example, ISDN access to the network is essentially software driven. Non-compliant CPE typically fails in a benign fashion, disrupting individual service, but nothing more; non-compliant CPE may achieve call set-up, but lose the ability to

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[3]See Interstate & Foreign Message Toll Telephone Service, 70 FCC 2d 1800, 1800-1806 (1979).

[4]It should also be noted that standards cease to be voluntary when carriers place in their tariffs and network disclosures (and publications), requirements that customer equipment intended for connection to the network for a service, must be in conformance with a named standard, e.g., equipment to be connected to the U S WEST basic rate ISDN service must be in conformance with ANSI T1.601 - 1992 and U S WEST Technical Publication 77xxx. When this is done, the requirement for conformance has the force of law.

send all ISDN parameters or invoke certain features. While the user's own service may be degraded, the network will remain in service.

We do not mean to suggest that standards are not critical to efficient network operation. Many of the suggested rule changes in the Notice are already requirements for interconnection to U S WEST's own ISDN and PSDS services.[5] Standards bodies have also set many standards in precisely the areas addressed by the proposed rules.[6] And even where accepted national standards do not yet exist, the industry is well-capable of dealing with interface issues itself.

For example, while the industry does not have a PSDS Carrier to Customer Network Interface Standard similar to ANSI T1.403 for 1.544 Mbit/s channel interfaces, in 1986 Technical SubCommittee T1C1 took steps necessary to assure that existing two-wire switched 56 kbit/s equipment would interwork when linked together by the Public Switched Network. Additionally, Technical SubCommittee T1E1 wrote ANSI T1.410 - 1992, which is the digital carrier to the customer network interface standard. The four-wire PSDS N1 signal requirements are identical to the

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[5]For example, U S WEST Publication 77329 for a service using the PSDS Type I interface contains the requirements of ANSI T1.410, though by reference to the T1E1.4 Working Group document that was available prior to completion of the Committee T1 ballot for T1.410. Additionally, it agrees with the Standards Proposal that was to become ANSI EIA/TIA 596-1992.

[6]For example, ANSI EIA/TIA 596-1992 (Type I, II, III PSDS) provides the bitrates, scrambler algorithms, pulse templates, pulse amplitude, impedances, etc.

specifications provided in ANSI T1.410 - 1992. Finally, EIA/TIA TR41 wrote an equipment standard for the two-wire equipment and Technical SubCommittee T1E1 has assigned standard jacks for their network interfaces.

On the other hand, without disparaging the excellent engineers at the Commission, government standard setting is driven by the Administrative Procedures Act,[7] which is not necessarily consistent with a sound technical standard setting. Not only is any initial government engineering standard subject to lengthy procedures at the agency itself, but to judicial review as well.[8] Perhaps more significantly, it can be just as difficult for the Commission to change an engineering standard once adopted as it was to adopt it in the first place,[9] and any modification of such a standard will likewise risk reversal years after the change.[10] In other words, the statute which governs the Commission's operations (and judicial review thereof), while providing substantial protections against arbitrary or irrational agency policies, rules or adjudications, serves as a singularly ill-suited vehicle for designing network standards -- at least beyond the very minimal standards necessary to protect the

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[7]5 USC § 702.

[8]See Citizens to Preserve Overton Park, Inc. v. A. Volpe, 401 U.S. 402, 414 (1971).

[9]See Motor Vehicle Mfrs. Ass'n v. State Farm Mut., 463 U.S. 29, 41-42 (1983).

[10]See People of State of Cal. v. FCC, 905 F.2d 1217 (9th Cir. 1990).

network.[11] Standards bodies, carrier rules and tariffs and the efficacies of the marketplace, not government fiat -- however sophisticated and well-intentioned -- should, for the most part, govern network interconnection.

II. REGISTRATION REVOCATION

The Notice also proposes rules and procedures to govern revocation of Part 68 registration. While the procedures appear generally reasonable, we are concerned with the provision which could permit the Commission to revoke a Part 68 registration if the registrant "willfully or repeatedly failed to comply with any of the provisions of the Communications Act of 1934, as amended; or of any rule, regulation or order issued by the Commission . . . ."[12] This language would seem to permit revocation of Part 68 registration for conduct having nothing to do with the original registration -- or even with Part 68 at all. Such action would seem unnecessary and counterproductive. Revocation of

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[11]And it must be remembered that even the initial Part 68 rules were as much a response to AT&T's refusal to connect any equipment to its network than to an actual experience with harm caused by non-conforming attachments.

[12]Notice ¶ 10.

registration should be based upon some conduct related to the registered equipment itself.

Respectfully submitted,

U S WEST COMMUNICATIONS, INC.

By: _____

Robert B. McKenna
Suite 700
1020 19th Street, N.W.
Washington, DC 20036
(303) 672-2861

Its Attorney

Of Counsel,
Laurie J. Bennett

February 10, 1994

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 10th day of February, 1994, I have caused a copy of the foregoing **COMMENTS OF U S WEST COMMUNICATIONS, INC.**, to be served via first-class United States Mail, postage prepaid, upon the persons listed on the attached service list.

Kelseau Powe, Jr.

***Via Hand-Delivery**

(CC93-268/BM/lh)

*Reed E. Hundt
Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, DC 20554

*William von Alven
Federal Communications Commission
Room 6106
2025 M Street, N.W.
Washington, DC 20554

*James H. Quello
Federal Communications Commission
Room 802
1919 M Street, N.W.
Washington, DC 20554

*Olga Madruga-Forti
Federal Communications Commission
Room 6010
2025 M Street, N.W.
Washington, DC 20554

*Andrew C. Barrett
Federal Communications Commission
Room 826
1919 M Street, N.W.
Washington, DC 20554

*Kathleen B. Levitz
Federal Communications Commission
Room 500
1919 M Street, N.W.
Washington, DC 20554

*International Transcription
Services, Inc.
Suite 140
2100 M Street, N.W.
Washington, DC 20037